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HARVARD LAW SCHOOL — NEW CASE BOOKS. — It will interest the members of this and other law schools to know that a volume of "Cases on Evidence" will be published by Professor Thayer next summer. The need of such a volume has long been felt by the members of this school, and its publication will be greatly appreciated, not only by future second year classes, but by those who have already taken the course on evidence, and who desire to preserve the leading cases in a convenient form.

It also gives the REVIEW much pleasure to note the appearance of the sixth and last volume of Professor Gray's "Cases on Property," thus completing a series which, in its comprehensiveness, judicious arrangement and selection, and general adequacy for the purposes of instruction under the case system, is susceptible of little improvement The members of this school have indeed cause for gratitude to Professor Gray, who, at the expense of an untold amount of labor, thought, and time, has so materially lightened the work and the difficulties of those who have had the privilege of studying under his guidance.

BOSTON UNIVERSITY LAW SCHOOL — CASE SYSTEM ADOPTED — Our readers will be interested to know that the faculty of the Boston University Law School is about to introduce into the school the system of study known as the case system. The first topic to be treated in this way will be Bills and Notes, and gradually the new method will be extended to other subjects. The plan of work will be as follows: The class will be divided into two divisions, each of which is to contain three sections. A member of each section will act as leader to superintend the work of his companions. Each section will be given a different subject as far as possible, in order to avoid an over-demand for the books. Once a week each section will meet to discuss the cases read. The leader will preside and conduct the discussion. The professors from time to time are to call the whole class together for recitation on the cases. In this way the students are afforded even better opportunities for discussion than are attainable when the whole

class meets, and the work by sections will decrease the difficulty of getting the books of reference. It is to be hoped the Boston University will meet with all success in its new method.

MISCONDUCT OF A JUDGE — ITS INFLUENCE ON THE JURY. — The untamed State of Washington furnishes a rather amusing application of the constitutional provision prohibiting a judge from commenting on matters of fact to the jury. His honor passed his time in perusing a newspaper during the testimony of the defendant, and while the defendant's attorney was endeavoring to impeach the testimony of a witness for the prosecution the court exchanged smiles, pleasant observations, and candy with the said witness. This, the upper court not unreasonably holds, comes too near, especially in a capital case, to an intimation that the defendant's view of the matter was of small import, and the court ventures to hope that such an occasion for reversal will not very often arise.

PRIVILEGE OF WITNESSES IN FEDERAL COURTS. — In the April number of the REVIEW, Mr. Louis M. Greeley discussed the case of *Counselman* v. *Hitchcock*, which arose through the refusal of a witness, summoned in an investigation under the interstate commerce law, to answer certain questions, on the ground that he would criminate himself by so doing. The District and Circuit Courts for Northern Illinois ruled that the witness must answer, inasmuch as by Section 860 of the Revised Statutes the evidence could not be used against him in any criminal proceeding, and therefore his constitutional rights were not invaded. The question never having arisen in the Supreme Court, Mr. Greeley discusses it on principle. He says in substance that the fifth Amendment guarantees the privilege of a witness against compulsory, self-accusatory evidence; that this privilege may be abrogated by statute if the statute affords the witness complete amnesty as to the crime concerning which he was compelled to testify; but that Section 860 of the Revised Statutes does not do this, inasmuch as it does not prevent scources of evidence disclosed by his evidence from being used against him; the obvious conclusion being that under the present state of the law a witness may refuse to testify if his answer will tend to criminate himself.

It is interesting to note that the case has just been decided on appeal by the Supreme Court of the United States substantially in accordance with the principles above stated. The decisions of the District and Circuit Courts are reversed. The court says: "It is a reasonable construction, we think, of the constitutional provision [that "no person . . . shall be compelled in any criminal case to be a witness against himself"] that the witness is protected 'from being compelled to disclose the circumstances of his offence, the sources from which, or the means by which, evidence of its commission, or of his connection with it, may be obtained, or made effectual for his connection, without using his answers as direct admissions against him.'[1] It is quite clear that legislation cannot abridge a constitutional privilege, and that it cannot replace or supply one, at least unless it is so broad as to have the same extent in scope and effect. . . . In view of the constitu-

[1] *Emery's Case*, 107 Mass. 172, 182.